

In the Matter Of:

DR. SONYA P. WILLIAMS vs

SHELBY COUNTY BOARD OF EDUCATION

EDDIE JONES 30(B)(6) DEPOSITION

February 01, 2019

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R E P O R T I N G

**EXHIBIT
D**

22 North Second Street/Suite 303, Memphis, TN, 38103 (901) 527-1100

IN THE UNITED STATES DISTRICT COURT OF TENNESSEE
FOR THE WESTERN DISTRICT OF TENNESSEE-WESTERN DIVISION

DR. SONYA P. WILLIAMS,

Plaintiffs,

VS.

SHELBY COUNTY BOARD OF EDUCATION,

Defendants.

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No.

2:17-cv-02050-SHM-
egb

30(b)(6) DEPOSITION OF EDDIE JONES

February 1, 2019

AMY THOMAS EPSTEIN, RPR, LCR/CCR(TN), CSR(MS)
Riverside Reporting Service
434 Jason Drive
Memphis, Tennessee 38120
(901) 767-4025

1 The Deposition of EDDIE JONES taken
2 February 1, 2019, beginning at approximately 12:40
3 o'clock p.m., in the offices of Shelby County School
4 Board, 160 South Hollywood, Memphis, Tennessee,
5 pursuant to Notice to the parties, for any and all
6 purposes allowed under the Federal Rules of Civil
7 Procedure on behalf of the Plaintiff in the
8 above-styled cause.

9 All forms and formalities, including the
10 signature of the witness, are waived. Objections,
11 except as to the form of the question, are reserved,
12 to be presented and disposed of at or before the
13 hearing. Objections as to the form of the question
14 must be made at the taking of the deposition.

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A P P E A R A N C E S

For the Plaintiff:

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Spragins, Barnett & Cobb
P.O. Box 2004
Jackson Tennessee 38302-2204

For the Defendant:

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Fisher & Phillips
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1715 Aaron Brenner Drive
Memphis Tennessee 38120

Also Present: KERI WILLIAMS

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1 EDDIE JONES

2 after having been duly sworn, was deposed and testified
3 as follows:

4 DIRECT EXAMINATION

5 BY MS. LUNA:

6 Q. Mr. Jones, we met just a moment ago. My
7 name is Teresa Luna, and I represent Dr. Sonya
8 Williams in her case against the Shelby County School
9 System; and this is my partner, Lewis Cobb. My
10 assistant, Keri Williams, will be entering in just a
11 moment; and you'll know her when she enters, so let
12 this be our formal introduction of you to her.

13 I'm going to tell you that I understand
14 that you're here today in response to a 30(b)(6)
15 notice that I issued to the Shelby County School
16 System for a corporate representative of Shelby County
17 Schools to answer questions on behalf of the School
18 System.

19 Is that your understanding as well?

20 A. Yes.

21 Q. Okay. And I took the deposition of
22 Chantay Branch yesterday, and she was able to answer
23 some of the questions; and she told me that you would
24 be here today answering others of those questions.

1 So may I assume that if you answer the
2 question that you are the person that the Shelby
3 County School System has put in place to answer that
4 particular question?

5 A. I would assume. I'm assuming. I was not
6 told that there were questions that are -- that only I
7 can answer. I was just told to show up.

8 Q. Okay. Well, if you -- if you're not the
9 person designated to answer the question, if you'll
10 just let me know I'm not the person?

11 A. Yes, ma'am.

12 Q. And then otherwise I'll assume that you
13 are the person.

14 A. Great deal. Yes, ma'am.

15 Q. I want to show you an exhibit from
16 Ms. Branch's deposition yesterday. This is Exhibit 1
17 to her deposition, and this is the 30(b)(6) notice
18 that was issued by the -- by us to the School System.

19 Have you seen that before?

20 A. I have not, no.

21 Q. Okay. Well, let me ask a question -- let
22 me go ahead and make that Exhibit 1, Exhibit 1 to
23 Ms. Branch's deposition we're going to also make
24 Exhibit 1 to your deposition.

1 (Whereupon, Exhibit 1 was
2 marked as an exhibit to the deposition of
3 the witness and can be found among the
4 deposition exhibits attached hereto.)

5 BY MS. LUNA:

6 Q. Because that's the notice that you are
7 here in response to.

8 A. Okay.

9 Q. Let me ask you this. The -- how did you
10 prepare for this deposition today?

11 MR. McGAHA: Object to form.

12 BY MS. LUNA:

13 Q. You may answer.

14 MR. McGAHA: You can answer.
15 Well, you can answer generally.

16 THE WITNESS: Okay. So in
17 general -- now, I -- I'm looking through
18 this, and I'm wondering was this sent to
19 me via e-mail. I don't know. It may
20 have -- I -- I've not read through all of
21 this to know that this is something that
22 was sent to me.

23 BY MS. LUNA:

24 Q. Okay.

1 A. But in preparation for today part of what
2 I did was to just pretty much familiarize myself with
3 her as an applicant. I went into iCIMS just to kind
4 of familiarize myself with whether or not she had
5 applied for any positions.

6 I also talked with counsel here as well
7 as Chantay about pretty much --

8 MR. McGAHA: (Interposing.)

9 Uh-uh-uh, that's privileged. Don't
10 answer that.

11 BY MS. LUNA:

12 Q. Let me clear this up. I don't want to
13 know anything that you and your counsel discussed.

14 A. Yes, ma'am.

15 Q. Okay. But anything that you discussed
16 with anyone else, I'm going to ask you about that in
17 just a moment.

18 A. Okay.

19 Q. Right now I'm just asking -- let me ask
20 it this way. What documents did you review to
21 prepare?

22 A. Just the iCIMS.

23 Q. What is that?

24 A. iCIMS is our platform that we use for

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1 applications.

2 Q. I-S?

3 A. I-C-I-M-S.

4 Q. Applications that --

5 MR. McGAHA: (Interposing.)

6 I'm going to stop the witness right

7 there. So he reviewed iCIMS

8 independently, and I want to make it

9 clear to the witness that you do not need

10 to answer a question related to documents

11 that you reviewed or discussions that

12 were had with counsel.

13 THE WITNESS: Okay.

14 BY MS. LUNA:

15 Q. I thought I made that clear. Anything

16 that you -- that was written with Mr. McGaha --

17 A. (Interposing.) Sure.

18 Q. (Continuing.)-- or spoken to him, I'm

19 not asking about that.

20 A. Okay.

21 Q. I'm asking for Shelby County Schools

22 documents that you reviewed.

23 MR. McGAHA: Independently.

24 BY MS. LUNA:

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1 Q. Well, any documents that you reviewed.

2 MR. McGAHA: No, any documents
3 that you reviewed independently, not with
4 me.

5 THE WITNESS: Yes.

6 MR. McGAHA: Is that clear?

7 MS. LUNA: No, it's not clear.

8 MR. McGAHA: Do you have any
9 objection to that?

10 MS. LUNA: Well, this is my
11 deposition, and I'm not the one that's
12 supposed to object.

13 MR. McGAHA: Well, I mean, let
14 me ask you this.

15 MS. LUNA: I have the right to
16 know all the documents that he reviewed.

17 MR. McGAHA: The documents that
18 he reviewed with me reveals work product.

19 MS. LUNA: So are you
20 instructing him not to --

21 MR. McGAHA: (Interposing.)
22 Yes.

23 MS. LUNA: Okay.

24 MR. McGAHA: I'm instructing --

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1 let me be clear what I'm instructing on
2 the record. I'm instructing the witness
3 not to answer any questions related to
4 our discussions or his discussions with
5 any other counsel for SCS.

6 I am also instructing the
7 witness not to answer any questions with
8 respect to what documents he reviewed at
9 the direction of or in the presence of
10 counsel for SCS.

11 MR. COBB: Let me make this
12 observation. I understand that if you
13 have -- or, your firm prepared documents
14 and he's looked at your documents that
15 you've prepared for litigation, that's
16 one category; but if he's looked at
17 public documents and therefore he knows
18 what's in public documents, that
19 knowledge base is his independent of what
20 you've done.

21 MR. McGAHA: But...

22 MR. COBB: And whether he
23 looked at them with you by his side or
24 not still is information he's learned

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1 from public records.

2 MR. McGAHA: But what he has
3 reviewed at my direction reveals work
4 product, because it reveals a litigation
5 strategy, wouldn't it?

6 MS. LUNA: Let's be clear.
7 Let's be clear of what you're instructing
8 him not to answer on.

9 MR. McGAHA: I've been clear.

10 MS. LUNA: Let's divide it in
11 two categories, and let me ask you these
12 questions. Number one, you're
13 instructing -- are you instructing him
14 not to tell me what documents he reviewed
15 even though they're public documents if
16 he reviewed them in your presence?

17 MR. McGAHA: Yes, if he
18 reviewed those documents in my presence
19 in preparation for this deposition. If
20 he reviewed those documents independently
21 and in my presence, he can reveal that;
22 but if he only reviewed a document with
23 me in my presence in preparation for this
24 deposition, he is instructed not to

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1 answer the question.

2 MS. LUNA: Even though they're
3 public record?

4 MR. McGAHA: Even though
5 they're public -- any documents.

6 MS. LUNA: Thank you; and we'll
7 just bring this up with -- there is no
8 point in delaying today. We'll bring it
9 up with the judge later.

10 MR. COBB: Let me ask one more
11 thing to clarify. Let's assume the
12 extreme example, which is the only time
13 he reviewed documents was with you.

14 MR. McGAHA: Uh-huh
15 (affirmative).

16 MR. COBB: Then he wouldn't be
17 able to talk about any documents.

18 MR. McGAHA: No, I didn't say
19 he couldn't talk about the documents. I
20 said he can't tell you what he reviewed
21 with me. You can ask him questions, and
22 he can answer those questions based on
23 what he knows; but you're asking --

24 MR. COBB: (Interposing.) And

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1 we say, how do you know that. He says,
2 well, that was document number 101,
3 whatever. It's problematic, and I'm
4 trying to figure out a way to go forward
5 and not get hung up on --

6 MR. McGAHA: (Interposing.) I
7 think this is something that we're being
8 hung up on for no reason. We don't have
9 a lot of time.

10 MS. LUNA: I think that -- I
11 mean, Gabe and I have had a long history
12 of this in depositions, and we don't ever
13 tend to come to any kind of resolution of
14 them. So I think I'll just bring it up
15 with the judge.

16 MR. McGAHA: Do what you need
17 to do.

18 MS. LUNA: And I'm going to
19 reserve the right to depose the witness
20 again if indeed the judge does allow us
21 to ask that particular question.

22 MR. McGAHA: Okay.

23 MR. COBB: One last thing. We
24 don't want to keep coming here and having

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1 you raise the same objection to the same
2 category of documents. So we're going to
3 assume any time we ask him about
4 something he reviewed with you, you'd
5 make the same objection and we would
6 arrive at the same point, take it up with
7 the judge. Fair enough?

8 MR. McGAHA: Sure.

9 BY MS. LUNA:

10 Q. Let me ask you another question, and
11 maybe this one won't incite an objection. In getting
12 ready for today what other Shelby County School System
13 employee or Board member did you speak with in getting
14 ready for the deposition today?

15 MR. McGAHA: Object to form. I
16 need to make a speaking objection,
17 because who he prepared with in my
18 presence is also privileged. Who he
19 spoke with outside of the presence of SCS
20 counsel is not.

21 BY MS. LUNA:

22 Q. I'm asking you who you spoke with outside
23 of the presence of Mr. McGaha.

24 A. No one.

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1 Q. No one?

2 A. (Witness shakes head negatively.)

3 Q. You didn't go to any other department and
4 say, hey, I need to ask you about this with regard
5 to --

6 A. (Interposing.) No, ma'am.

7 Q. Okay.

8 A. No.

9 Q. Mr. Jones, what preparation did you do
10 for this deposition other than with Mr. McGaha?

11 A. Nothing. That's it. As I stated to you
12 before, I just -- I went online just in iCIMS; and I
13 apologize. When you say documents, that's what I
14 think of.

15 Q. Okay.

16 A. Is any paper; and I'm now sensing that
17 you're talking about formal documents. So I -- that's
18 all I did, was just to make sure certain I knew who
19 this person was, if they were truly an applicant; and
20 that's all I did.

21 Q. And by documents I mean electronic
22 documents as well.

23 A. Uh-huh (affirmative).

24 Q. Not just paper documents. So anything

1 that you reviewed on a computer, I'm asking that as
2 part of my question as well.

3 A. Nothing else other than iCIMS, yes,
4 ma'am.

5 Q. And iCIMS is -- you're saying that's the
6 application platform?

7 A. Yes. It's the application tracker.

8 Q. Okay.

9 A. So anyone who applies for a position, who
10 has applied for a position since 200-- mid 2016, if
11 they've applied, that's applied through iCIMS. If
12 they applied prior to then, they applied through
13 SearchSoft.

14 Q. Is that something that's available to
15 someone outside of the Shelby County School System to
16 look into?

17 A. It's available for you to apply, but not
18 available for you to review data. That data is housed
19 with those that work in HR.

20 Q. If you are an applicant --

21 A. (Interposing.) Uh-huh (affirmative).

22 Q. (Continuing.)-- and you've applied for
23 several positions --

24 A. (Interposing.) Yes, ma'am.

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1 Q. (Continuing.)-- even though you're not
2 within the School System now, may you go into that
3 system?

4 A. As long as you have a user name and
5 password that you would have generated.

6 Q. Okay. I want to show you a document that
7 Dr. Williams has presented to the Court -- that
8 Dr. Williams has presented to the Court, and it was
9 attached to an affidavit where she says these are the
10 jobs that I have applied for within the Shelby County
11 School System.

12 And the first few pages are in a
13 different format than the lists that are on the last
14 few pages of that packet of papers.

15 A. I apologize. I'm trying to --

16 Q. (Interposing.) Okay.

17 A. Without having to use another hand.

18 Yes, ma'am.

19 Q. Let me ask you a couple of questions
20 about this packet of documents. The first few
21 pages --

22 A. (Interposing.) Uh-huh (affirmative).

23 Q. (Continuing.)-- what format were those
24 pulled from the Shelby County School System?

1 A. That's probably from the actual page when
2 you -- it could be, like, if you -- if you go on and
3 you see a job and it has a job description and it has
4 all the layout of that particular job individually,
5 you can print that individual page out so that when
6 you get ready to interview, you can kind of refresh
7 your mind about the job requirements.

8 The other pages obviously would be just
9 one page of all of the different positions that either
10 are posted or that you have applied for.

11 Q. Okay. And this -- this is pulled from
12 the Shelby County Schools' website.

13 A. Now, this might have been from the
14 website -- no, this looks like it was in iCIMS.

15 Q. Okay.

16 A. Or they got e-mail and maybe it -- I'm
17 not certain, because I've not applied for jobs per se
18 as an applicant. I probably should have pretended
19 like I was an applicant so I'd know exactly how they
20 see things. I see it from a different perspective,
21 though. So I'm assuming just because it says Applied
22 Job at the top that that's what this is.

23 Q. Okay. But you don't have any question
24 that this came from your --

1 A. (Interposing.) Oh, no.

2 Q. (Continuing.)-- system?

3 A. No, no. It looks like it's -- these are
4 definitely positions. I saw some part-time tutor
5 positions in here, and I do know from -- and virtual
6 school instruction. That's not uncommon. Those are
7 definitely --

8 And then in the coding on the back with
9 regard to the C11, that would -- you know, all these
10 have a special code. So, like, it would be spring of
11 or -- I think CN -- I forgot the initials now, but I
12 think that's what they're using. That's -- are they
13 using that now?

14 I'd have to look on there and compare it.
15 I'm not certain if they're using this, because I'm
16 used to dealing with PCNs. PCNs don't look like the
17 codings on the side here.

18 Q. Okay.

19 A. That's more or less internal.

20 Q. My understanding --

21 A. (Interposing.) Sure.

22 Q. (Continuing.)-- which could be wrong --
23 but my understanding is that these items, like here on
24 the first page it says withdraw interest for this job,

1 is a button that you can click --

2 A. (Interposing.) Uh-huh (affirmative).

3 Q. (Continuing.)-- if you were online, and
4 this was printed from that page online.

5 A. Uh-huh (affirmative).

6 Q. And that over here (indicating) these
7 dark -- on, for example, the last page and several of
8 the last pages it says View there?

9 A. Uh-huh (affirmative).

10 Q. That's a part of that page that the
11 applicant is looking at where if they want to click on
12 a particular job and look at it that your system gives
13 them --

14 A. (Interposing.) Sure.

15 Q. (Continuing.)-- the ability to do that.

16 A. To go back to that initial page, which
17 would be the job description and all that.

18 Q. Is that your understanding as well?

19 A. Uh-huh (affirmative).

20 Q. Is that yes?

21 A. Yes.

22 MS. LUNA: Okay. Let me make
23 this Exhibit 2.

24 (Whereupon, Exhibit 2 was

1 marked as an exhibit to the deposition of
2 the witness and can be found among the
3 deposition exhibits attached hereto.)

4 BY MS. LUNA:

5 Q. I got offtrack, because I wanted to --
6 you mentioned something about the job applications,
7 and I wanted to go ahead and get that in; but let me
8 ask you a little bit about you.

9 A. Okay.

10 Q. I know that your name is Dr. Eddie Jones?

11 A. Uh-huh (affirmative).

12 Q. What position do you hold here at the
13 School System?

14 A. I am the manager of Recruitment and
15 Staffing.

16 Q. How long have you been in that position?

17 A. Oh, God. Officially? 2018 -- Nancy
18 stayed for an entire year 2017. I would say -- God,
19 how long -- I can look it up officially in Apex right
20 now, but...

21 Q. Just give me an estimate.

22 A. A year and a half.

23 Q. Okay.

24 A. Yes.

1 Q. How long have you been with the School
2 System in total?

3 A. Twenty -- this is my -- going into my
4 twenty-fifth year.

5 Q. Let's start back at your year one. What
6 was your first job with the School System?

7 A. First job was a teacher teaching -- well,
8 actually I was doing a year long internship at Kirby
9 High School teaching British Literature to twelfth
10 graders; and I got hired on the following year at
11 Kirby Middle School teaching seventh grade grammar,
12 and that was my early start.

13 Q. How long were you a teacher within the
14 School System?

15 A. Three and a half years.

16 Q. Was it Memphis City or Shelby County?

17 A. It was Shelby County Schools at the time.

18 Q. Okay. By the way, I'm a certified
19 English and history teacher too. I'm a retired
20 teacher.

21 A. Awesome.

22 Q. After being a teacher for three and a
23 half years, what did you do within the School System?

24 A. I was promoted to an experimental program

1 that we had for Alternative Schools. It was at night
2 where kids who had been suspended would come to my
3 school at 4:00 o'clock in the afternoon and stay until
4 8:00 and receive instruction so that they would not
5 lose credits; and then at that point -- I did that for
6 a year and a half, and the District, the area I was
7 in, Kirby, was rezoned. It was taken over citywide,
8 and so they had to go into the City School System.

9 And at that time I left to take on
10 assistant principal position at Collierville -- in
11 Collierville at Schilling Farms Middle School where I
12 was the assistant principal from the building of the
13 school, and then I left there and went and became the
14 principal of a new school being built in Cordova,
15 Dexter Middle School.

16 Q. How long were you at Schilling Farms?

17 A. Two, three -- two and a half -- no, two
18 years, two years solid, yes.

19 Q. How long were you at Dexter Middle?

20 A. Oh, one, two -- two years, uh-huh
21 (affirmative).

22 Q. I'm trying to add up the years now.

23 A. Yes, that's fine.

24 Q. But I think there were still some things

1 that you did between being the -- were you principal
2 at Dexter Middle?

3 A. I was principal at Dexter Middle.

4 Q. After principal at Dexter Middle what did
5 you do?

6 A. Actually Schilling Farms was three years.

7 Q. Okay.

8 A. And then Dexter Middle was two years; and
9 the Superintendent asked if I would be willing to come
10 and be the minority recruiter for the District, and so
11 I did.

12 Q. Sill for Shelby County?

13 A. Still for Shelby County Schools.

14 Q. How long were you the minority recruiter?

15 A. Up until the merger, and the merger
16 happened in 2013. So that would be -- oh, God. When
17 did I come down to the Board? You're making me date
18 myself. I'm going to estimate fifteen years at least
19 I was down there.

20 Q. As minority recruiter?

21 A. As a minority recruiter.

22 Q. Okay. Was there any job that you held
23 between being minority recruiter and being the manager
24 of Recruitment and Staffing?

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1 A. Yes.

2 Q. Okay.

3 A. So at the merger I came aboard as an
4 advisor, HR advisor. I served in that capacity for a
5 year; and they first started the department, asked if
6 I would come back as a business partner. So I served
7 as a business partner for two years.

8 Q. And I've heard that term before. What is
9 a business partner?

10 A. Business partner is a corporate model
11 that's used a lot in corporations where they are a
12 strategist. They strategically work with hiring
13 managers to insure that they get the right applicant
14 and that things get pushed through. They're not a
15 paper pusher, but they are kind of a forethought, say,
16 hey, you've got a lot of people getting ready to
17 retire, let's go ahead and see if we can start
18 recruiting for this type of position, because it's a
19 difficult position.

20 So we tried to squeeze it into an
21 educational model, which is why now I'm managing that
22 aspect. I have six business partners under me, and
23 that was after I served as that for two years and then
24 moved from there to the interim manager, because our

1 manager left in 2016.

2 Q. Got you. And then after interim manager
3 of Recruitment --

4 A. (Interposing.) Then became manager.

5 Q. Then you became the manager?

6 A. Yes, ma'am.

7 Q. Even when I was still teaching in 2007,
8 there was a shortage of teachers.

9 A. Uh-huh (affirmative).

10 Q. Is there still a shortage of teachers?

11 A. In certain areas, yes, in certain areas.
12 People are not going into -- when we say shortage, you
13 have to define, you know, the parameters of shortage.
14 Shortage could be because of the subject area, like
15 SPED, Spanish, math are areas that are hard to fill;
16 or it could be because of options that are available.

17 Back in the day Shelby County Schools and
18 Memphis City Schools were competing against each other
19 salary-wise. We paid a dollar more than Memphis City
20 Schools. So it was our kind of pitch, you know, you
21 can buy a Coke and have a job; but now they've got
22 more options. They've got, you know, charter schools,
23 private schools, you know, and the municipalities. So
24 that may create a shortage as well, because now people

1 can kind of go wherever they -- have other options
2 available to them now.

3 Q. In our County we're told that they're
4 having a hard time getting good qualified teachers.
5 Is that the struggle here as well?

6 A. Not so much. Qualified, no, not so much.
7 We've got -- you know, math, yes, you've got -- may
8 have to go and get a permit person --

9 Q. (Interposing.) Right.

10 A. (Continuing.)-- to do it; but, yes, we
11 pretty much -- we're good to pull people who are
12 qualified.

13 Q. Did you fill all your positions as of the
14 fall of 2018? Were you able to find --

15 A. (Interposing.) No, we had --

16 Q. (Continuing.)-- qualified people?

17 A. We had a rate of -- we had only sixty
18 positions that were left uncovered out of the entire
19 -- out of a hundred fifty-four schools, obviously not
20 all. You know, some schools are fully staffed, but we
21 had a success rate of about 97 percent.

22 Q. So the 97 percent left sixty positions
23 unfilled?

24 A. Yes, yes, pretty much.

1 Q. Yesterday I requested a list -- I
2 requested Ms. Branch to have a list printed out of the
3 jobs that Sonya Williams had applied for since the
4 beginning of 2016 or that were on -- the open job
5 applications that she had since the beginning of 2016.

6 A. Okay.

7 Q. And I'm going to show you the document
8 that I was given yesterday afternoon, which looks
9 different than the one we've just marked as Exhibit 2.

10 MR. McGAHA: You were given
11 that today.

12 MS. LUNA: Oh, yes. I asked
13 for it yesterday and was -- it was given
14 to me today.

15 THE WITNESS: Okay.

16 BY MS. LUNA:

17 Q. Let me make that clear. Yes, I asked for
18 it yesterday during Ms. Branch's deposition, and then
19 I was handed this document today.

20 Could you identify for me what this
21 document is?

22 A. So it shows the vacancy I.D., which is
23 the year, which would be 2017-2018. I don't think it
24 would have anything in here for 2016, because we were

1 transitioning from SearchSoft to iCIMS; but it may be
2 something in here, but I do not -- I don't see 2016.

3 So the first column is the vacancy I.D.,
4 which gives you the year; and then the system
5 generates kind of a number to go after that, so the
6 year and then a kind of an identification number
7 afterward; and then it has the vacancy title, which
8 all of these titles are -- yes, they're related to our
9 District and has the person's full first name and last
10 name looks like and then has a date that they applied,
11 yes.

12 Q. Let me make sure I'm clear about what you
13 just said. Are you saying that Dr. Williams could
14 have applied for some jobs in 2016 that would not be
15 on this list because you changed the software?

16 A. Yes, ma'am.

17 Q. Okay. Is there any way for you to
18 retrieve those jobs?

19 A. I don't have those archives, that archive
20 ability. I'm not certain if they did archive all of
21 SearchSoft. There may be some records that they can
22 pull, but that wouldn't be in my department. That's
23 in Enterprise Department.

24 MS. LUNA: I'd like to have

1 this marked as Exhibit 3.

2 (Whereupon, Exhibit 3 was
3 marked as an exhibit to the deposition of
4 the witness and can be found among the
5 deposition exhibits attached hereto.)

6 BY MS. LUNA:

7 Q. I want to next ask you about the Board
8 resolution October the 30th of 2018 which exceeded
9 employees. I have been told that you were the one who
10 drafts the list of exceeded employees to attach to
11 those resolutions, to the 2016 resolution and 2018
12 resolution.

13 MR. McGAHA: No.

14 BY MS. LUNA:

15 Q. Is that correct?

16 MS. LUNA: Let him answer.

17 BY MS. LUNA:

18 Q. Is that correct?

19 MR. McGAHA: You are
20 misrepresenting. You weren't told that.

21 MS. LUNA: Let's go off the
22 record, please.

23 (Off the record discussion.)

24 BY MS. LUNA:

1 Q. Well, instead of me looking for it, I'll
2 take another break in just a minute; but instead of me
3 looking for it, let me just rephrase my question. I
4 think that will be easier, Dr. Jones.

5 Dr. Jones, do you have anything to do
6 with the list of teachers that are attached to the
7 resolutions in 2016 and 2018 that exceeded teachers to
8 the reduction in force policy?

9 A. Ask that question again. I'm sorry, I
10 was distracted by some things going on.

11 Q. Sure. There were resolutions passed by
12 the Board in October of 2016 and October of 2018. Are
13 you familiar with those resolutions?

14 A. I am not familiar with those resolutions.

15 Q. Okay. Let me show you --

16 A. (Interposing.) Sure.

17 Q. (Continuing.)-- those resolutions.

18 MR. McGAHA: Teresa, I believe
19 I found what you're talking about.

20 MR. COBB: What page?

21 MR. McGAHA: Page 35. That's
22 the only place I see his name mentioned,
23 and it's not with respect to the lists;
24 page 35.

1 MS. LUNA: His name is
2 mentioned several times in there, but let
3 me just finish my question.

4 MR. McGAHA: Okay.

5 MS. LUNA: I think we can --

6 MR. COBB: (Interposing.)

7 Whose name is it?

8 MS. LUNA: Eddie Jones.

9 BY MS. LUNA:

10 Q. I'm going to show you Exhibit 2 from
11 Chantay Branch's deposition yesterday. This is a copy
12 of the 2016 resolution excessing teachers, and behind
13 that resolution are three lists of teachers that were
14 excessed; and it's called the Reduction in Force List.

15 A. Okay. So they were RIFed, not excessed.
16 They were excessed, but then eventually RIFed.

17 Q. Thank you for clearing that up, yes.

18 A. Okay.

19 Q. Yes. People have been -- in this case
20 we've been calling them the excessed teachers.

21 A. Sure.

22 Q. But you're right. They're the teachers
23 that were -- that lost their jobs as a result of the
24 reduction in force. Do you have anything to do with

1 preparing these lists?

2 A. Yes. So our office does.

3 Q. Okay.

4 A. Our office. Our office generates -- my
5 business partners that I spoke of earlier work with
6 principals, and during budget checkout they identify
7 any positions that will be excessed. As a result of a
8 position being abolished, closed, excessed, what have
9 you, if a person is in that position currently, then
10 that person then is deemed as being excessed.

11 They have an opportunity then to apply
12 for jobs through the transfer period; and then at that
13 point if they have not secured a position by the start
14 of the school year -- actually before start of school
15 year, by the end of the fiscal year, then their names
16 are then submitted as reduction in force.

17 Q. Okay.

18 A. And that was -- that would be 2016.

19 MS. LUNA: I'd like to make --
20 the Exhibit 2 to Chantay Branch's
21 deposition, I'd like make it Exhibit 4 to
22 Dr. Jones's deposition.

23 (Whereupon, Exhibit 4 was
24 marked as an exhibit to the deposition of

1 the witness and can be found among the
2 deposition exhibits attached hereto.)

3 BY MS. LUNA:

4 Q. Okay. That brings up several questions
5 that I have regarding those excessing lists. You
6 mentioned the -- and Ms. Branch was explaining it to
7 us yesterday as well, that you're excessed when the
8 School System knows that it's going to lose some
9 positions; and then I think you're explaining to me
10 that the School System then helps the teachers to try
11 to find other jobs within the School System until
12 June 30th of that year, as I'm understanding it,
13 according to the policy.

14 Correct me if I'm wrong.

15 A. Yes, well, what our District does is we
16 host job fairs, we create transfer windows, and we
17 provide the climate for them to apply for positions if
18 their position has been abolished or excessed due to
19 either loss of funds or generated like a change of
20 program, anything -- any of those could fall in that
21 arena.

22 And so then, yes, we don't directly place
23 individuals in a position, but we create the
24 atmosphere where they can successfully apply for

1 positions; and we do try to create opportunities like
2 job fairs, several job fairs to attend, and, you know,
3 get -- secure a position before the new year.

4 Q. Now, I also understand that there are two
5 internal policies, one for certificated employees and
6 one for noncertificated employees as to the excessing
7 protocol. I asked that to Chantay Branch yesterday,
8 and she gave me a -- or, we talked about a document,
9 and I'm showing you what was Exhibit Number 11 in
10 Chantay Branch's deposition; and it's the Certified
11 Position Abolition Policy.

12 Are you familiar with this policy?

13 A. Yes. Certified position, that being
14 someone who holds a certificate teaching, and that
15 their position has been abolished or excessed or -- we
16 call it a number of things, yes.

17 Q. Which one of the policies, the Certified
18 Position Abolishment or the Noncertified Position
19 Abolishment, would apply to someone who is certified
20 but not in a standard teaching position?

21 A. Okay. So they're certified, but they're
22 not in a certified teaching position. So, like, if
23 they were in a -- say, for instance, they had an
24 English endorsement, they had taught for a couple of

1 years, and then they decided to come out of the
2 classroom, I'm going to be a SPED assistant --

3 Q. (Interposing.) Let me give you a
4 different example that's applicable to this case.

5 A. Okay.

6 Q. Dr. Williams goes into an advisor
7 position which requires a certification, she's in that
8 position in 2015 and '16, she's in the Adult Education
9 advisor position which requires a certification, okay?
10 So would -- would the Certified Position Abolishment
11 Policy apply to her or the Noncertified Position
12 Abolishment Policy apply to her?

13 A. If she requires a certification, it would
14 be certified.

15 Q. Okay. Okay. That's all I needed
16 clarification on; and I think -- and I'll give you a
17 second to look at this, but I think this is what you
18 were explaining to me a few minutes ago, that, you
19 know, the System helps them -- you know, provides them
20 some opportunities maybe for transfer. I think it's
21 -- I think we were looking at maybe the first --

22 A. (Interposing.) First two pages.

23 Q. Yes, the first two pages of this packet
24 that I've handed you.

1 A. Yes, interviews, excessing notification,
2 yes.

3 Q. Okay. A minute ago you made a
4 distinction between excessing or RIF or reduction in
5 force. Tell me how that would work with Dr. Williams
6 as far as the letters that she would -- should have
7 received or did receive in 2016 when her program that
8 she was working for when the funding was withdrawn
9 from that program.

10 A. Okay. So I'm not familiar with that. So
11 I'm going to kind of talk from the standpoint of what
12 we normally do or --

13 Q. (Interposing.) That's exactly what I
14 want.

15 A. Okay.

16 Q. February of 2016 the program that she was
17 working in, the funding was pulled by the State of
18 Tennessee; and the -- they lost the funding in March
19 of that particular year. Talk me through the protocol
20 of what happens to an employee, certified employee
21 like Dr. Williams at that point.

22 A. Wow. In February?

23 Q. Yes.

24 A. Not at the end of the school year?

1 Q. Right.

2 A. So I don't know if I've dealt with this
3 one or not before, a situation like this, because
4 normally our stuff happens where they finish out the
5 course of the year and then even in the midst of that
6 they -- they still have time to locate positions and
7 we notify them.

8 So in her case, loss of funding in
9 February would mean that someone from HR would notify
10 her and those that were involved of the position being
11 abolished or their positions being abolished, would
12 then have conversation about what opportunities are
13 coming up. Obviously I can't think of a time when we
14 had transfer season that early.

15 So I'm not certain how I can answer that
16 question, because generally, like I said, they're
17 still employed; but if you're saying they're pulling
18 funding and they have no job as of day one and not
19 days later, then they would have been -- I don't know.
20 I can't answer that. I don't know.

21 Q. When would -- when would Dr. Williams
22 receive an excessing letter and when would she receive
23 the RIF letter as you're --

24 A. (Interposing.) I'm not certain if she

1 would receive in this case -- that's what I'm saying
2 I'm lost on, because that's a new one on me. I would
3 have to actually literally sit down with everybody
4 involved and say how are we going to structure this,
5 because it's not like what we normally do.

6 Q. Okay.

7 A. We normally give an excess letter first
8 that says you have an ESC, this is called Employee
9 Status Change Form, to notify you that your position
10 has been abolished for next year, please give us your
11 information so that we can, you know, keep up with you
12 and let you know when job fairs are coming and X, Y,
13 Z.

14 Q. If there are open jobs at that particular
15 time that they're qualified to go into --

16 A. (Interposing.) Yes.

17 Q. (Continuing.)-- would there be every
18 effort to help them get into those jobs?

19 A. Yes.

20 Q. Okay.

21 A. I mean, when we say help, you know, we
22 would provide the opportunity for them to apply and,
23 you know, coach them on how to apply; but we're not an
24 employee -- we're not an employment agency, so we

1 don't just find jobs for folks. We provide the
2 opportunity for them to be promoted, to get, you know,
3 information on how to apply for a lateral move and
4 things of that nature, transfers.

5 Q. Okay.

6 A. Yes.

7 Q. Are you the person that's familiar with
8 the reemployment list, the preferred list for
9 reemployment for certified and tenured teachers?

10 A. Yes.

11 Q. Okay. I was given a list yesterday or
12 document yesterday that I am -- I don't know what it
13 is, and so I've been told that -- I think I've been
14 told that you are the one that will be able to help me
15 out with this.

16 A. Sure.

17 Q. But before I do that, let me make what
18 was made Exhibit 11 yesterday -- the Certified
19 Position Abolishment Policy, let me make it the next
20 exhibit, which I think is Exhibit 5, in your
21 deposition.

22 (Whereupon, Exhibit 5 was
23 marked as an exhibit to the deposition of
24 the witness and can be found among the

1 deposition exhibits attached hereto.)

2 BY MS. LUNA:

3 Q. Now, I want to hand you this list that I
4 was handed yesterday that I don't know what it is.
5 Can you identify this document for me?

6 A. Yes. This is my Excel file that I
7 generated August, and I've been adding to it and
8 taking away and just kind of modifying as we go along.
9 It is what I call a reemployment list, but it's not.
10 It's an excess -- it's a teacher -- teachers who have
11 been identified in our District who have been excessed
12 who did not secure a position by the school year; and
13 so what we ended up doing was deploying these
14 individuals out to various schools that had vacancies.

15 Since we didn't fill all vacancies, we
16 had sixty still left, we deployed some of those
17 excessed teachers, because we were instructed by our
18 Superintendent that we did not need to RIF again this
19 year.

20 Q. Okay.

21 A. We did not RIF anyone this year, we did
22 not RIF anyone last year.

23 Q. So for the 2018-'19 school year there was
24 no one RIFed?

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1 A. No.

2 Q. And for the 2017-'18 school year there
3 was no one RIFed?

4 A. No.

5 Q. So the last group of teachers who were a
6 part of a reduction in force were the teachers from
7 '16-'17?

8 A. Uh-huh (affirmative).

9 Q. Is that yes?

10 A. Yes.

11 Q. Okay. When you say uh-huh
12 (affirmative) --

13 A. (Interposing.) Okay, yes.

14 Q. (Continuing.)-- she doesn't know how to
15 write down --

16 A. (Interposing.) I'm sorry. That's the
17 South in me, I'm sorry.

18 Q. So the Court won't be able to know if you
19 meant yes or no. I'm sorry, I don't mean to correct
20 you.

21 A. May I use certainly?

22 Q. Certainly. Okay. So this list, when was
23 this list made?

24 A. This list was actually made September,

1 October, somewhere around that time, because I wanted
2 to make sure certain that I was keeping up with
3 people, because we were having folks who were
4 resigning, people who were deployed; and I was just
5 trying to find some central location for everything to
6 be since we're not utilizing Zoho any longer.

7 Q. So is this list effective today?

8 A. It is effective today, yes.

9 Q. Okay.

10 A. It's a moving document, living document.

11 Q. Okay.

12 A. Uh-huh (affirmative).

13 Q. How long has Dr. Williams' name been on
14 the list?

15 A. Her name has been on there for about
16 three weeks.

17 Q. Okay.

18 A. Yes, about three weeks; and that -- yes,
19 I included her name, as you can see, at the very top.
20 So anything that's at the top, that's the most recent.
21 I just create another insert.

22 Q. I think you're telling me that it's a
23 fluid, ever changing document? Is that what you're
24 saying?

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1 A. It's an Excel file, uh-huh (affirmative).

2 Q. Excel file?

3 A. Uh-huh (affirmative).

4 Q. And as names go on it or are taken off of
5 it, it changes, correct?

6 A. Yes.

7 Q. Okay. So you're saying that
8 Dr. Williams' name was put on there about three weeks
9 ago?

10 A. Yes, ma'am, uh-huh (affirmative).

11 Q. Was that the first or second week of
12 January or second week of January?

13 A. It had to have been when we got back from
14 vacation -- I mean, from the Christmas holidays, yes.

15 Q. What prompted her name to be put on it at
16 that time?

17 A. I received notice from -- who was it
18 from? I don't know if it was from Jennifer or Labor.
19 I received notification from someone that her name
20 needed to be identified as being on our reduction --
21 not reduction, but our reemployment list.

22 Q. Okay.

23 A. And so since we didn't have a
24 reemployment list and I had this, I just added her

1 name on there so I could keep up with it.

2 Q. Okay.

3 A. Yes.

4 Q. Has she been deployed to any other school
5 that you know of?

6 A. No, unh-unh (negative), not at this
7 point.

8 Q. There seems to be some comments on the
9 second page. Are those the comments that go with each
10 one of those?

11 A. Yes, ma'am. Yes, ma'am.

12 Q. And I -- I unstapled it so we could look
13 at that.

14 A. Sure.

15 Q. But let's start at the bottom. The name
16 is Carolyn Shepard --

17 A. Uh-huh (affirmative).

18 Q. (Continuing.)-- Haywood. She's on the
19 list, and it said deployed to Belle Forest Elementary?

20 A. Uh-huh (affirmative).

21 Q. That means that she was -- she was a
22 victim, let's call it, of a reduction in force, but
23 yet you've deployed her to another school, correct?

24 A. She was excessed, but she was not reduced

1 -- she was not --

2 Q. (Interposing.) Oh, I see.

3 A. She was not -- she -- none of these
4 individuals separated from our District by way of the
5 contract. Their contract continued.

6 Q. Okay.

7 A. And so because of that, they're really
8 not reemploying. We're not reemploying them. We're
9 just deploying them to another area, because we're not
10 going to -- we decided not to RIF them.

11 Q. So if I understand correctly, you're
12 telling me there is two steps in the RIF process; and
13 I'm sorry your wrist is hurting you.

14 A. You're fine. You're fine.

15 Q. There are two steps in the RIF process?

16 A. Uh-huh (affirmative).

17 Q. One is -- the first step is excessing,
18 and then you try to place them somewhere else?

19 A. Yes.

20 Q. And then if you can't find a place for
21 them, then they are a victim of RIF, correct?

22 A. They are RIFed if the District makes a
23 decision to move forward with RIFing, yes. That's
24 when we would do it, at that time.

1 Q. Okay.

2 A. At that juncture.

3 Q. So this last lady on here, Carolyn
4 Shepard-Haywood, she never got RIFed -- she was
5 excessed, but she never got RIFed because she was
6 deployed to another school?

7 A. Yes.

8 Q. Is that correct for Cassaundra Gardner as
9 well?

10 A. Uh-huh (affirmative).

11 Q. And is that correct for Vera Alexander?

12 A. Yes.

13 Q. And for Tina Lumley?

14 A. Yes.

15 Q. And for Stacy Lowe?

16 A. Uh-huh (affirmative).

17 Q. And then is that correct for, I'm reading
18 upside down so I'm sorry, Nancy Weathers?

19 A. Yes.

20 Q. And for Ike --

21 A. (Interposing.) Hentrel.

22 Q. (Continuing.)-- Hentrel?

23 And for --

24 A. (Interposing.) George Ross.

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- 1 Q. George Ross. And for --
- 2 A. (Interposing.) Emily Thomas.
- 3 Q. (Continuing.)-- Emily Thomas?
- 4 A. Uh-huh (affirmative).
- 5 Q. And for Dana Chiozza?
- 6 A. Chiozza.
- 7 Q. And for Alisa Richardson?
- 8 A. Yes.
- 9 Q. And for Alfreda Kizer?
- 10 A. Uh-huh (affirmative).
- 11 Q. Is that a yes?
- 12 A. Yes.
- 13 Q. And for --
- 14 A. (Interposing.) Teresa McGuire.
- 15 Q. Teresa McGuire. And for Sonja Dotson?
- 16 A. Yes.
- 17 Q. And there is another note beside this --
- 18 beside Brenda Key?
- 19 A. Harry Key.
- 20 Q. Harry Key. Oh, I'm sorry, Harry Key.
- 21 What is that note?
- 22 A. He was originally hired as a TOSA in
- 23 2017-'18.
- 24 Q. Okay. Tell me what a TOSA is.

1 A. TOSA stands for teacher on special
2 assignment.

3 Q. Okay.

4 A. And a TOSA can be one of two things.
5 TOSA could be someone who we hired at the beginning of
6 the summer with the explicit purpose of providing us
7 teacher support throughout the year. We contract them
8 for an entire year; and during that year if there is a
9 maternity leave, medical leave, or any type of absence
10 where a vacancy occurs, we deploy that person to that
11 position until either the person returns or until the
12 principal decides to hire someone else.

13 If either of those happen, then we will
14 take the person and redeploy them to another position
15 that's comparable to their area of endorsement.

16 Q. Okay. So Harry Key --

17 A. (Interposing.) Yes.

18 Q. (Continuing.)-- was not a tenured
19 teacher?

20 A. He was originally a TOSA that we had
21 employed the previous year.

22 Q. But not a tenured teacher?

23 A. Not a tenured teacher.

24 Q. Okay.

1 A. But we brought him back again as a TOSA
2 again.

3 Q. So he's still working for the School
4 System?

5 A. He's still working for the System, yes.

6 Q. And then the next one is Brenda Becton?

7 A. Uh-huh (affirmative), yes.

8 Q. It says RIF for Cordova as an assistant
9 principal?

10 A. Yes.

11 Q. What is her current situation?

12 A. It looks like she's been deployed, and
13 I'm not certain what she's deployed as. Brenda
14 Becton, I'm not familiar with that name. So I would
15 have to look it up in Apex to determine where she is
16 now.

17 Q. Okay. But she's still within the School
18 System?

19 A. I would assume so.

20 Q. Okay.

21 A. I don't have on here that she's resigned
22 like the next person, Anna Godwin, who actually has
23 resigned.

24 Q. Okay. So I'm going to -- we'll take a

1 break in a minute.

2 A. Sure.

3 Q. And I'll have you to -- if you don't mind
4 looking up Brenda Becton and tell me what her current
5 status is.

6 A. Sure.

7 Q. And the next one up the list is Anna
8 Godwin, and you said that she resigned from the School
9 System?

10 A. She did.

11 Q. Okay. And then the next one up the list
12 is Ronald Cody?

13 A. Yes.

14 Q. And he's been deployed to Whitehaven
15 School?

16 A. Yes.

17 Q. Okay. And then the next one is -- the
18 top one on the list is Sonya Williams, and --

19 A. (Interposing.) Yes.

20 Q. (Continuing.)-- the note beside hers
21 says?

22 A. Settlement awarded.

23 Q. Okay. Explain that.

24 A. Well, I was just instructed, again, that

1 this was a situation that involved litigation and that
2 she needed to be placed on the Reduction in Force
3 List, which I don't have a Reduction in Force List. I
4 have a list of names that I keep up with for excess
5 purposes so I can track who needs to be sent out and
6 who's active and who's out there.

7 Q. Okay. I guess the question is why the
8 term settlement awarded?

9 A. And, again, since it was a personal Excel
10 file, I put that on there because that was the best I
11 could come up with. Instead of saying litigation and
12 all that, I just said settlement award.

13 Q. That she was placed on a reemployment
14 list due to a settlement?

15 A. No, that was just my comments. I wanted
16 to make certain that I knew that this was not a
17 situation where she had been educated as, you know, a
18 classroom teacher last year and that she was
19 continually -- or, she's currently deployed somewhere
20 else. I wanted to make certain that I could remember
21 that her situation was one that came from General
22 Counsel, and I think it was through General Counsel
23 advised me that she needed to be put on the -- or,
24 asked whether or not she was on that list, and I said

1 no.

2 Q. And she had not been on the list up until
3 three weeks ago, correct?

4 A. Not on a -- not on a Reduction in Force
5 List -- I mean, not on a preferred reemployment list
6 that I have.

7 Q. Okay.

8 A. Because to date -- well, prior to now the
9 reemployment list was kept in Zoho, and we no longer
10 have access to Zoho. So I'm not certain -- the last
11 two years we've not had a reemployment list, but going
12 back to 2016 we don't -- I don't have any archives of
13 Zoho back then.

14 Q. Okay. But they're telling you now to put
15 her on the reemployment list?

16 A. Well, they -- they didn't tell me. They
17 just asked if she was on the list; and I said, no,
18 she's not; and they said, well, this is a situation in
19 litigation, so let's make certain that you are aware
20 of the fact that she is.

21 MS. LUNA: I'd like to make
22 these two pages the next exhibit, please.

23 (Whereupon, Exhibit 6 was
24 marked as an exhibit to the deposition of

1 the witness and can be found among the
2 deposition exhibits attached hereto.)

3 MR. COBB: In Excel
4 spreadsheets they have the line numbers
5 out to the left, Teresa?

6 MR. McGAHA: We could probably
7 produce it that way if you need to.

8 MR. COBB: I just was
9 wondering. How many lines are there on
10 each one? You might want to just mark
11 the first one.

12 MS. LUNA: I think I just went
13 through each one and clarified it on the
14 record, which one went with which one.

15 MR. COBB: Okay. I'll shut up.

16 MS. LUNA: Off the record just
17 a moment.

18 (Off the record discussion.)

19 BY MS. LUNA:

20 Q. Dr. Jones, are you or any -- are you here
21 to answer questions about the letters, the excessing
22 letters or the reduction in force letters, that are
23 sent to people who are the victims of an excessing or
24 reduction in force?

1 A. Please re--

2 Q. (Interposing.) Let me rephrase, sure.
3 Does that come from your department, an excessing
4 letter?

5 A. So letters are not generated when a
6 person is excessed. That's an Employee Status Change
7 Form that's given to an employee to complete, sign,
8 what have you; and that then lets us know that
9 person's position has been excessed. A RIF letter
10 comes by way of Labor Relations to my knowledge.

11 Q. Okay. So that would be Chantay Branch?

12 A. Yes, ma'am.

13 Q. Okay. Now, now that Dr. Williams is on
14 that list for reemployment, what happens now?

15 A. Well, what we typically do is the
16 positions that that person has applied for -- if this
17 were a reemployment list by way of what Zoho was,
18 truly these people were reemployment, they would be
19 sent out for interviews with principals, because our
20 District is not one of direct placement.

21 We have mutual consent that we're
22 governed by. So unlike the days of when you and I
23 taught where if you lost a position, you were placed
24 in a position if you didn't secure one on your own, we

1 have mutual consent which says the applicant and the
2 principal must agree on the placement.

3 So what we would typically do is my team
4 of recruiters would then have knowledge of this person
5 and say, okay, let's look at what they've applied for;
6 and then whatever they've applied for by way of a
7 teaching position, then we will send them to that
8 principal to interview; and hopefully the interview
9 will go well, and the principal will make a
10 recommendation.

11 In the case of these individuals that
12 were deployed, we had been sending them out, but they
13 were still not able to secure something; and so
14 because we had vacancies and they needed a job, rather
15 than sitting at home because we were not RIFing them,
16 we deployed them to those positions.

17 So at this point in juncture if there is
18 a vacancy that's in her area of endorsement and she's
19 applied for that teaching position, we can do one of
20 two things. We can either deploy because the
21 principal needs someone right now and they haven't
22 been able to select someone so this person is
23 temporarily to your building until you either hire
24 them, make a recommendation for it and they agree on

1 it, or until you find someone else and then we'll
2 redeploy her; or we'll look at the list of places
3 where she has applied to and then begin to say, hey,
4 Principal, we've got a person that's interested in a
5 position that you have, we would like to include her
6 in this lineup of names that we're sending to you and
7 ask that you, you know, give some special attention to
8 making certain that you grant her an interview.

9 Q. Since Dr. Williams has been put on this
10 list, what efforts have been made to send her
11 applications to principals or to other departments for
12 which she's qualified for a position that's open?

13 A. Well, none at this point. No positions
14 have we worked with her at the teach-- because I staff
15 teachers. I don't staff central office positions or
16 the administrative type positions.

17 Q. Okay.

18 A. So that's why when -- at the beginning
19 when you asked me what I had looked at or what I had
20 reviewed, I wanted to make certain that I did not miss
21 this person with regard to teaching positions, because
22 right now that's my charge.

23 Q. Okay.

24 A. Just to make certain that all kids have a

1 teacher in front of them. I did not see where she had
2 applied for any teaching positions. So since she's
3 been on this list, she has not been sent out to --
4 none of my recruiters have sent her out to any
5 vacancies that may be in her area of endorsement. All
6 I saw were positions that were more central office or
7 administrative, and I don't staff those.

8 Q. Okay. So you're saying there are no
9 positions that are teaching positions that she's
10 applied for?

11 A. Not that I saw in iCIMS. Now, I can go
12 back through again tonight, but my last recollection
13 was that there were, like, sixty some odd positions
14 that she had applied for. I didn't see any of those
15 as being a teacher. I was hoping that she was a math
16 teacher, because I could get her employed, like, right
17 now. I could send her out to several positions.

18 Even if she spoke Spanish and she just
19 had rusty Spanish, I could send her out if she had the
20 endorsement and hopefully a principal would at least
21 accept her as a deployment or either at least give her
22 a chance to go through the interview process and then
23 hopefully, you know, make a recommendation from that.

24 But none of those did I see any positions

1 where she had applied for that were teaching.

2 Q. Since the beginning -- I'll represent to
3 you since the beginnings of 2016 she's had over a
4 hundred and ten positions that she's applied for.

5 A. Okay.

6 Q. And some of those have been teaching
7 positions. But you're saying that until three weeks
8 ago it didn't come to your attention that she should
9 have been referred to a principal to have her
10 application looked at, correct?

11 A. Okay. So let me -- say the first part
12 again, because you said since?

13 Q. Sure. Since the beginning of 2016 --

14 A. (Interposing.) Uh-huh (affirmative).

15 Q. (Continuing.)-- Dr. Williams has applied
16 for over a hundred ten jobs, and some of those were
17 teaching positions. You're just saying that until
18 three weeks ago it didn't come to your attention,
19 correct, that she needed to be -- her job applications
20 needed to be sent to a principal?

21 MR. McGAHA: Object to form.

22 BY MS. LUNA:

23 Q. Is that what you're saying?

24 A. Yes. So the first part I can't clarify.

1 I don't see that she's applied for a hundred some odd
2 positions. Now, it may be because she applied for
3 some positions in SearchSoft; but the positions that I
4 see that she's applied for in iCIMS, none of those are
5 teaching positions.

6 So, again, I wanted to -- because it
7 didn't seem like the two were connected. So I was
8 trying to make certain that I answered that first
9 part. The second part you said was it was three weeks
10 ago that it was brought to my attention that she
11 needed to be looked at as a potential person to go out
12 for positions to apply for.

13 Q. Yes.

14 A. Yes, that is correct.

15 Q. So let me rephrase the first part of the
16 question again.

17 A. Okay.

18 Q. If a position, a teaching position were
19 open in 2016 but not open now, would -- that
20 application wouldn't still be -- you wouldn't be
21 looking at that application, would you, if the
22 position is no longer open?

23 A. Yes, no, well, I'd still be able to see
24 it.

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1 Q. Okay.

2 A. I could pull up every job that she's
3 applied for; and if it's closed or still open, I still
4 would be able to see that she applied for that
5 position.

6 Q. Okay.

7 A. The only exception would be anything
8 prior to iCIMS. I would not be able -- I would have
9 to look at the archived data for SearchSoft.

10 (Off the record discussion.)

11 BY MS. LUNA:

12 Q. Mr. Cobb is making a good point to me,
13 and that is if you were to go online, not us, but if
14 you were to go online into your system, how do you --
15 without telling us any passwords or anything, how do
16 you get in your system to --

17 A. (Interposing.) I use my user name and
18 password.

19 Q. Okay.

20 A. I have manager rights; and so I can look
21 at the entire system, and I can manipulate the system
22 in the sense of pulling up a file that shows how many
23 have applied for this position, how many have applied
24 for this position, and send that to the principal and

1 say that these people have applied.

2 Q. I see. This list that we made Exhibit 3
3 to your deposition, which is the list that was
4 generated by the School System of the jobs that Sonya
5 Williams has applied for, where on here does it say
6 that the position has been filled already or it's a
7 closed position, or is this a list of open positions?

8 A. Yes, that's just -- no, this is -- this
9 is obviously something that has been printed from --
10 like, just pulled from the system and then not the
11 actual full-fledged -- because the full-fledged system
12 would have -- like, if it had her name, it would have
13 -- let me see. I'm trying to think.

14 There were some other columns that they
15 would have on here. It does show that she -- when she
16 applied, shows her name, shows the title, and shows
17 the vacancy; but there are some other aspects. I
18 think there are some other areas, like, columns that
19 you could actually -- I could limit the columns or I
20 could expand them all out, but I wouldn't be able to
21 get them all on this sheet. So I don't know how that
22 was framed.

23 Q. Okay.

24 A. So yes.

1 Q. Okay. All right. If a principal has
2 refused a transfer or refused to take a teacher in
3 that mutual consent protocol that you were speaking
4 about a minute ago, would there be a record of that in
5 the teacher's personnel file?

6 A. No.

7 Q. Where would that record be?

8 A. Well, there wouldn't be a record per se.
9 If I sent five people to interview and the principal
10 decided of those five I want you to send me another
11 five, I'd send another five; and then of that five he
12 selects one of that five, the other nine people, there
13 wouldn't be a record of anything showing that
14 principal didn't decide on this person. It just shows
15 in our system that this is the person that was
16 recommended, and then the position closes.

17 Q. Okay. Do you know of any principal
18 that's refused to take Dr. Williams in any position
19 since 2016?

20 A. Not that I'm aware of.

21 Q. Do you know of any determination of
22 Dr. Williams' level of effectiveness to be in any of
23 these positions?

24 A. Not that I am aware of, no.

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1 Q. Do you know of any determination of her
2 competency, suitability that was done to be in any of
3 those positions?

4 A. No.

5 Q. Okay. Are you the keeper of the list of
6 reemployment -- list for reemployment for teachers for
7 certified positions?

8 A. Our office does keep a list of
9 individuals that would be on the reemployment list;
10 but, again, I don't have a current reemployment list.
11 I have a list of names of people who have been
12 excessed.

13 Q. Okay.

14 A. But in the past our office has kept that
15 reemployment list in Zoho.

16 Q. Okay. I think I'm about through. I'm
17 going to take a break just a minute and speak to --

18 MR. McGAHA: (Interposing.) Go
19 off the record?

20 MS. LUNA: Please.

21 MR. McGAHA: Okay.

22 (Whereupon, a break was taken.)

23 MS. LUNA: Before we adjourn
24 the deposition, I want to ask Dr. Jones

1 if he would not mind -- there was one
2 question that we had from Exhibit
3 Number 6, the preferred list for
4 reemployment; and it concerned -- let me
5 find the name -- Brenda Becton.

6 BY MS. LUNA:

7 Q. And I believe you had told me that you
8 would not mind finding out about Brenda Becton, who
9 was a RIF for Cordova as assistant principal.

10 MS. LUNA: And if we can
11 adjourn for a few minutes and allow him
12 to do that, then I should be close to
13 done.

14 MR. COBB: Would we need to let
15 the General Counsel know, or is she in
16 the building?

17 MR. McGAHA: She is in the
18 building. I told her it would probably
19 be closer to 2:30 or 3:00. I thought it
20 might be a little longer, but I can try
21 to get her sooner.

22 (Off the record discussion.)

23 MS. LUNA: Okay. Let's go back
24 on the record. We've been off the record

1 while Dr. Jones graciously searched his
2 system to find out about Brenda Becton,
3 who is on the reemployment list, which is
4 Exhibit Number 6.

5 BY MS. LUNA:

6 Q. And, Dr. Jones, if you would, tell us
7 what you have discovered about Brenda Becton.

8 A. Brenda Becton is a classroom teacher
9 currently in our District who is active.

10 Q. Okay. So she is -- has been deployed as
11 well?

12 A. She's been deployed as a regular
13 classroom teacher, yes.

14 Q. Okay. Thank you.

15 MS. LUNA: And that's all the
16 questions I have.

17 MR. McGAHA: All right. I have
18 a couple of things.

19 CROSS EXAMINATION

20 BY MR. McGAHA:

21 Q. Dr. Jones, you testified earlier that
22 Dr. Williams, Sonya Williams, had been placed on a
23 reemployment list and that she had been placed on a
24 reemployment list at the direction of General Counsel;

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1 is that correct?

2 A. Yes, I did testify to that.

3 Q. Okay. You later testified that there is
4 not a reemployment list in a sense because no one --
5 there haven't been any reductions in force in the last
6 two years?

7 A. Yes.

8 Q. Is that correct?

9 A. That's correct.

10 Q. All right. So I want to make sure it's
11 clear that Dr. Williams -- is Dr. Williams on a -- on
12 the reemployment list as stated earlier in your
13 testimony?

14 A. No, she -- and I may have reiterated, but
15 I have an Excel file that tracks all parties that have
16 been excessed and have not secured a permanent
17 position or who were excessed and resigned. I wanted
18 to keep track of all those individuals. So I placed
19 her on that list, because that's my one central list
20 of keeping up with everyone.

21 It's not a reemployment list per se. It
22 is just a list of names of individuals that I wanted
23 to track to make certain that I was keeping up with
24 their nuances of, you know, whether or not -- are they

1 deployed, is it someone I'm going to have to find a
2 permanent position -- help find a permanent position
3 for, is it someone that Labor has given us, because
4 there are some on that list that say Labor deployed
5 and they're not teachers, they were individuals who
6 are nonteachers who were SPED assistants or Ed
7 assistants that had a Labor situation and so,
8 therefore, I need to make certain that we understand
9 this is a different type of placement.

10 So that's just my -- that's my personal
11 list within our department that keeps up with all of
12 the individual one-offs is what we call them that have
13 special circumstances, be it a TOSA, be it someone
14 that's a Labor, be it someone that is a General
15 Counsel; and that's my whole entire list. So those
16 people make up that list.

17 Q. Okay. So what were you directed to do by
18 General Counsel with respect to Sonya Williams?

19 A. I would have -- and, again, just to be on
20 the safe side, I would have to actually literally look
21 in my e-mail and see if there was any type -- I know
22 there were some e-mails going back and forth between
23 myself and Jennifer Ervin who stated -- she just
24 wanted to know do you have a list of the reemployment;

1 and I stated to her I don't have the reemployment
2 list. That's not the reemployment list (indicating).
3 I don't have a reemployment list. It's in Zoho.

4 When I pull up Zoho for this year, it's
5 remnants of what was left over from -- I don't know
6 what year it was, but there are, like, six or seven
7 names. So as a result of that I sent that back to her
8 to let her know, hey, I don't have a reemployment
9 list, but this is what's showing in Zoho.

10 She then asked is there any way, you
11 know, we can get that information; and I said it would
12 have to be something if they archived it, we can get
13 it; and I do remember that e-mail stating that it
14 would come from Enterprise, Donya Hampton. I did send
15 an e-mail to Donya Hampton. Donya did attempt to pull
16 archived data from Zoho. She was unsuccessful. She
17 said the only thing she had was listings of applicants
18 from budget checkout and some other things, which is
19 another aspect of Zoho.

20 It took care of a lot of things for us,
21 budget checkout, reemployment lists, resignations,
22 separations, retirements; but all of that started
23 being phased out in 20015-'16, and the only thing that
24 remains now in Zoho is retirements, resignations,

1 separation tracker.

2 Q. So are you saying that we don't have a
3 reemployment list in Zoho -- we don't have a
4 reemployment list because traditionally the
5 reemployment list was kept in Zoho, but because Zoho
6 was being phased out, that's why we don't have the
7 traditional reemployment list?

8 A. That's part of it. The other part of it
9 is that for the last two years we've not RIFed anyone.
10 So there was no need for us to keep a reemployment
11 list.

12 Q. Got you. So to the extent that we -- if
13 we have a list of employees that would otherwise be on
14 a reemployment list, because we don't keep one in Zoho
15 --

16 A. (Interposing.) Yes.

17 Q. (Continuing.)-- would that be it?

18 A. It would not be in Zoho because of the
19 capacity, but this (indicating) would serve as that.
20 It would be an Excel document or for -- we've been
21 dinged lately that Excel or Google Docs are not the
22 safest. So we are now migrating to SharePoint.

23 Q. Okay.

24 A. So that that information would be secure.

1 Q. And when you said "that" would be it,
2 were you referring to --

3 A. (Interposing.) This list.

4 Q. (Continuing.)-- this document?

5 A. Yes, the list that I have of names of
6 people who are one-offs, this list of names that were
7 read off from Sonya Williams all the way down to
8 Carolyn Shepard-Haywood.

9 Q. Is that Exhibit 6?

10 A. Yes, Exhibit 6.

11 Q. And I have a couple of other small
12 things. If someone was not on the reemployment --
13 well, let me back up. When did you say you started in
14 your current position?

15 A. Oh, God, it was -- we hired a new
16 director in March of 200-- not '18, '17-'18. She made
17 a year in '18, and then she was fired. So it had to
18 be 2017 I stepped up to interim position of manager,
19 like, January of 2017. Our manager left. They asked
20 me if I would serve as an interim. I went from
21 interim -- when we hired a new director in March, she
22 came on board two weeks later and said why is he
23 interim, let's make him permanent. So I think I
24 stepped into that role permanently April or May

1 of 2017.

2 Q. So is it fair to say that you've been
3 acting in this position since January of 2017?

4 A. Yes.

5 Q. Have you ever received a phone call from
6 Dr. Sonya Williams requesting to be placed on the
7 reemployment list?

8 A. No.

9 Q. If you had received a phone call or an
10 e-mail or any other communication from Dr. Williams or
11 any other teacher about being placed on the
12 reemployment list, how would you have handled it?

13 A. I would have done my due diligence in
14 making certain that this person was excessed, and then
15 we would have placed her on the list and began the
16 process of sending her out for positions that she'd
17 applied for.

18 This has happened from time to time. We
19 do have individuals that contact our office by way of
20 the union sometimes that will get involved. We've had
21 just recently an Ed assistant that was let go about
22 two years ago; and she came back, she's not on a
23 reemployment list obviously, but she's one saying,
24 hey, I was excessed, I never was able to get into --

1 get back into the system, I've been applying and been
2 applying.

3 And then I was able to pull her to the
4 side and say, okay, I see in the system where you were
5 excessed and you were not successful in finding a job
6 that year, we did RIF that year, you've been gone for
7 two years, we would love to work with you because we
8 have some individual vacancies in your area, but I
9 can't guarantee employment for you. She said, well,
10 I've applied for several years and I've still not been
11 able to get on, what's going on.

12 And I was able then at that point to
13 counsel her and let her know that at any given point
14 we may have in excess of two hundred, three hundred
15 applicants for one position. So there is no guarantee
16 that a person just because they apply that they're
17 able to secure a position, because it's so competitive
18 in some of these areas.

19 So having said that, I still would work
20 with her, have my team of individuals -- give her name
21 to the recruiters and say, hey, while you're sending
22 these individuals out for interviews, send this
23 individual out as well.

24 Q. Okay. Got you. Has Dr. Williams ever

1 called you?

2 A. No, no. I have not received a call from
3 her.

4 Q. So has anyone on behalf of Dr. Williams
5 ever called and asked for you to place her on a
6 reemployment list or asked if she's on a reemployment
7 list?

8 A. No, other than just Jennifer Ervin just,
9 you know, three weeks ago asked me if that name was on
10 the reemployment list, and I told her no.

11 MR. McGAHA: Okay. Which
12 exhibit do we have this one marked as?
13 Have you entered this one (indicating)?

14 MS. LUNA: Yes, we did; and it
15 was an exhibit that was marked in Chantay
16 Branch's, and then I had it remarked in
17 this one.

18 (Off the record discussion.)

19 MR. McGAHA: I'm referring to
20 the document that has been pulled in this
21 case, Document 59-2, it's marked starting
22 with page I.D. 1698. This is a document
23 that Ms. Luna has entered into the record
24 in both Chantay Branch 's deposition and

1 then in this one.

2 BY MR. McGAHA:

3 Q. And this purports to be at least on the
4 last few pages a list of positions for which
5 Dr. Williams, Sonya Williams has applied.

6 Now, before we look through this list,
7 you testified earlier that the reemployment list is
8 for teachers, that's what -- you work with teachers to
9 place them on the reemployment list. What do you mean
10 by that?

11 A. Well, primarily I staff -- we have -- we
12 have a team that staffs Central Office positions, and
13 we have a team that staffs school based positions. My
14 charge with my six business partners is to work with
15 the principals who are school based positions. So
16 anything in their building that is school based
17 related, that's what we work to help them staff.

18 For the reemployment list, traditionally
19 the reemployment list contains individuals who by
20 statute of Tennessee, State statute we are required to
21 keep those individuals who are teachers on that
22 roster. That's why this is not a reemployment list
23 that I -- Exhibit 6, because it has on there people
24 who are nonteachers.

1 That's just my list of names; but if I
2 were to have a traditional reemployment list, it would
3 have only teachers and teacher types. Teacher/teacher
4 types would be, like, a counselor, it could be -- it
5 could even be an assistant principal with an
6 endorsement, because most assistant principals have a
7 teaching endorsement, a classroom teaching
8 endorsement.

9 So, to clarify, it would be a list of
10 classroom teachers and their endorsement areas so that
11 we could try to get them into positions of classroom
12 teaching positions.

13 Q. Okay. So when you say -- you don't call
14 it a reemployment list, because it contains people in
15 addition to teachers?

16 A. Uh-huh (affirmative).

17 Q. So what you're saying is it's sort of --
18 it's a reemployment list with other people on it as
19 well; is that what you're --

20 A. (Interposing.) Yes and no. Again, it's
21 not really -- because none of these people -- aside
22 from possibly Ms. Williams, the rest of them are not
23 -- have not been released from the District. They
24 have not been RIFed. So that's why I'm --

1 Q. (Interposing.) Right.

2 A. That -- again, that -- that exhibit is
3 merely my Excel file that it now, hindsight, looking
4 back, since everything is public record, I probably
5 wouldn't put all the comments that I would put on
6 there just for my own personal record, because at any
7 given point it could be misconstrued.

8 So it's not a reemployment list. It's
9 just a list of names of people that I need to keep up
10 with.

11 Q. And there are people on there who are
12 currently employed with the District?

13 A. Yes.

14 Q. That's why it's not really a reemployment
15 list?

16 A. Exactly.

17 Q. Because people are still employed with
18 SCS?

19 A. Yes.

20 Q. Okay. Got it. So you testified I
21 believe that the reemployment list and teachers on
22 that list are placed in vacancies that are classroom
23 based, teacher based positions; is that accurate?

24 A. Say that once again.

1 Q. Are -- what types of positions are
2 teachers on the reemployment list placed in?

3 A. Classroom teaching positions or classroom
4 -- they are teacher and teacher types. So there may
5 be a kindergarten teacher who lost their job but they
6 have -- when I say lost, they were reduced; and they
7 got on the reemployment list, because we RIFed that
8 year; and as a result we looked at her endorsement,
9 and she not only has a K-3 endorsement, but she also
10 has a library endorsement. So we would open the door
11 for her to be able to do those two types of -- you
12 know, we'd send her out for those types of vacancies.

13 Q. So if, for example, you said -- stated
14 earlier that you were a principal?

15 A. Yes.

16 Q. Or have been a principal?

17 A. Yes.

18 Q. What is your underlying certification in?

19 A. English 7-12.

20 Q. Okay. Is a principal position considered
21 a teacher -- a teaching position?

22 A. No.

23 Q. Okay. So if you -- hypothetically if you
24 were excessed and then subsequently subjected to a